



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 5.7.2019

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No.2079 of 2019
and

C.M.P.Nos.14039 and 14041 of 2019

Excel Engineering College
rep. by its Director,
NH-544, Salem Main Road,
Pallakapalayam,
Sankari West Post,
Komarapalayam Taluk,
Namakkal District 637 303.

Appellant

Versus

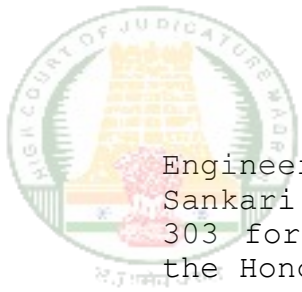
1. Anna University
rep. by its Registrar,
Sardar Patel Road,
Guindy, Chennai 600 025.
2. The Director,
Centre for Academic Courses,
Anna University,
Chennai 600 025.
3. The Director,
Centre for Academic Courses,
Anna University,
Chennai 600 025.
4. Directorate of Technical Education,
rep. by its Commissioner,
Guindy, Chennai 600 025.

Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order of this court dated 27.6.2019 in W.P.No.15020 of 2019.

Prayer in in W.P.No.15020 of 2019:

Writ Petition filed under Article 226 of the Constitution of India Praying for issuance of a Writ of certiorarified Mandamus Calling for the records of the 3rd respondent in Lr.No.299/CAI/AU/2019 dated 21.05.2019 and quash the same and consequently direct the respondents 1 to 3 herein to grant affiliation for B.E. Safety and Fire Engineering Course to the Excel



Engineering College NH-544 Salem Main Road Pallakapalaym
Sankari West Post Komarapalayam Taluk Namakkal District - 637
303 for the academic year 2019-20 in the light of the order of
the Honorable Division Bench in W.A.909 of 2017 dated 16.08.2017.

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For Appellant : Mr.Kandhan Doraisami

For Respondents : Mr.V.Kadhirvelu,
Special Government Pleader for R4
Mr.Vijayakumar for R1 to R4

JUDGMENT

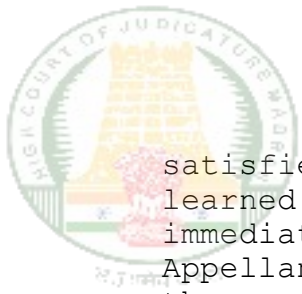
(Judgment of the court was made by Dr.VINEET KOTHARI, J.)

Appellant-Excel Engineering College has filed this Writ Appeal against the Respondent-Anna University and Director of Technical Education and others, aggrieved by the order dated 27.6.2019 disposing of their Writ Petition in W.P.No.15020 of 2019, by which the Appellant-Educational Institution sought for a Mandamus direction in the writ jurisdiction of this court to expedite the processing of their application seeking approval of the new Course known as B.E. (Safety and Fire Engineering Course) which the petitioner/appellant wanted to start for the Academic Year 2019-2020.

2. The said course was introduced by the competent Body, AICTE in the beginning of 2019. It appears that while submitting their application to the Respondent- Anna University, with which the Appellant/Petitioner-Engineering College is affiliated, the Appellant-Institution also approached this court by way of Writ Petition seeking expeditious disposal of their application and immediate approval of the Course. The said request was turned down by the impugned communication by the Centre for Affiliation of Institutions, Anna University dated 21.5.2019, in which it is stated that the entire processes of granting affiliation is at the final stage for the affiliated Colleges and the Petitioner/Appellant-Institution was advised to approach the University for the next academic year viz., 2020-2021 for starting the said new Courses.

3. The learned Single Judge, in the impugned order dated 27.6.2019, has observed that even though the Petitioner/Appellant-Institution might have got approval of AICTE for starting the said course, but, the necessary procedures have to be undertaken by the Anna University, with which the Appellant-College is affiliated, for granting such affiliation for additional course and this process may take a period of six months. Therefore, the Respondent-University was justified in issuing the impugned communication dated 21.5.2019 advising the Appellant-University to seek such affiliation for the next academic year viz., 2020-2021 for the said Course.

4. Having heard the learned counsel for the parties, we are



satisfied that there is no error in the order passed by the learned Single Judge. We are rather surprised with the immediate and premature invoking of the writ jurisdiction by the Appellant-Institution, almost simultaneously with the filing of the application for affiliation and while the same was in process for the Academic Year 2019-2020.

5. We cannot allow the cut-short of the scrutiny procedure for examining the application of the Institution concerned for the new Course, from the Anna University with which they are already affiliated otherwise and invoking of the writ jurisdiction in such cases deserves to be deprecated. The procedure for examining such applications and holding the enquiry and perusal of its contents cannot be short-circuited nor they can be monitored by the Writ Court. Unless the processing of the application is unduly delayed with ulterior motives and such a case is established in the Court, the Court cannot interfere in such scrutiny process in its writ jurisdiction.

6. The present case also seems to be an example of invoking the writ jurisdiction prematurely. While expediency of seeking such approval from the University concerned can be understood in the business perspective of the appellant, the respondents cannot be mandated or monitored by the Courts of Law to cut-short such enquiry procedure and do it overnight or immediately.

7. We do not see any error in the impugned communication of the University dated 21.5.2019 by which it was informed that the said procedure will take its own reasonable time of six months and therefore, the Appellant-Institution can approach the University with necessary materials for the next Academic Year 2020-2021. We do not equally see any merit in the Writ Appeal against the order passed by the learned Single Judge, which, in our opinion, has rightly found that due and reasonable time has to be allowed for the University to process the application of the Appellant-Institution. Therefore, we do not find any merit in the present Writ Appeal and the same is liable to be dismissed. Accordingly, it is dismissed. No costs. The connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1.The Registrar,
Anna University
Sardar Patel Road,



Guindy, Chennai 600 025.

2. The Director,
Centre for Academic Courses,
Anna University, Chennai 600 025.

3. The Director,
Centre for Academic Courses,
Anna University, Chennai 600 025.

4. The Commissioner,
Directorate of Technical Education,
Guindy, Chennai 600 025.

+1cc to Mr.M.Vijayakumar , Advocate SR.No. 56458

+1cc to Mr.Muthumani , Advocate SR.No. 56355

W.A.No.2079 of 2019

A.SK(14/08/2019)